

REMARKS

Claims 1, 3-13 and 31-33 are pending in the present application after this amendment. Claims 2 and 14-32 have been canceled without prejudice or disclaimer to the subject matter included therein.

The Examiner has required election in the present application between:

Group I, claims 1-13 and 31-33, classified in class 713, subclass 193 drawn to a control device and the corresponding method for receiving control contents of an appliance and transmitting information to the appliance;

Group II, claims 14-17, classified in class 726, subclass 28, and drawn to a communication device; and

Group III, claims 18-30, classified in class 726, subclass 26, and drawn to control system having a communication device for control, a control device, a relay device, and an appliance.

For the purpose of examination of the present application, Applicants elect, with traverse, Group I, Claims 1-13 and 31-33.

It is respectfully submitted that the Restriction Requirement is improper in view of the fact that no serious burden is presented to the Examiner to consider all of the claims in a single application.

As set forth in § 803 of the MPEP, the Examiner must examine an application on the merits if the examination of the entire application can be made without serious burden. Two criteria are identified for proper requirement for restriction:

The inventions must be independent or distinct as claimed; and

There must be a serious burden on the Examiner if the restriction is not required.


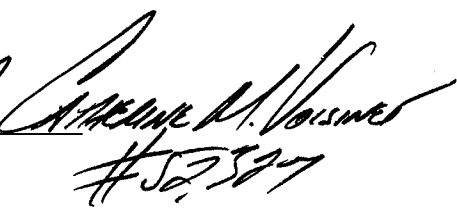
Applicants respectfully submit that a serious burden has not been placed on the Examiner to consider all of the claims in a single application.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Catherine M. Voisinnet, Registration No 52,327 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Dated: November 10, 2008

Respectfully submitted,

✓ By  
Charles Gorenstein
Registration No.: 29,271
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant